

DAWN

INDEPENDENCE DAY

2017: SPECIAL REPORT
SEVENTY YEARS OF PAKISTAN

A TIME TO REFLECT
A MILESTONE TO REMEMBER

Quick flow of food, technology, industrial products, and, inevitably, the ‘culture’ across the country is possible within days, if not hours. Society today in every sense of the word has come a long way.

THE SOCIETY: DYNAMICS AND CHALLENGES

By Dr Syed Jaffar Ahmed



THE REFUGEE PHENOMENON: Unlike the migrants of 1947 (top right) who mainly settled in urban Sindh and across Punjab, Afghan refugees (above) took shelter in Khyber Pakhtunkhwa and Balochistan, and drastically altered the socio-cultural and even economic profile of the two provinces. (photo: Dawn/White Star Archives)

WHILE celebrating 70 years of country’s independence, it can be interesting to look at the state of our society and to find out how it looks as compared to the point where Pakistan started its independent journey.

There exists a view that Pakistani society by and large has remained static, that except for a few big cities the rest of the country is frozen in medieval times. The poverty as found in almost all of the regions of the country is also quite often viewed as reflecting the existence of an old social order. This view is held without realising that poverty can be, and is, an attribute of the modern states as well.

The fact of the matter is that Pakistani society has transformed quite significantly in the last 70 years. Of course, there are regions and sectors where this transformation has been slow yet by and large the society has changed both in terms of its quantitative growth as well as in terms of socio-cultural norms, practices and values. It can also be said that the social change has been all-encompassing, including biological (demographic), cultural and technological changes.

Embarking on a survey of Pakistani society as it has grown in the last seven decades needs to be qualified by two points: one,

the social change can be looked at with respect to certain variables and indicators but this should be done while refraining from passing moral judgments, since change can be seen from diverse perspectives and points of views; two, in the analysis of the society reference to the role of the state — effective, ineffective or none — is inevitable.

One is bound to bring in the state in the study of society, both for connectivity of, or disconnect between, the two. Apart from these two points, it is also important to understand that the story of the society cannot be conclusive without identifying the challenges it has faced at different stages.

The first important aspect of the society has been the demographic changes it has witnessed. Apart from the natural growth of population, the migration from outside contributed immensely to the demographic profile of Pakistan. In fact, there have been waves of migration to Pakistan.

In 1941, the region now comprising Pakistan had a population of a little above 28 million. The census of 1951 showed its population at 33.7 million, so it can be said that the first wave of migration witnessed as the result of Partition, brought about a big population growth right after independence. As a result of Partition, 4.7 million Sikhs and

Hindus migrated to India, whereas 6.5 million Muslims migrated to Pakistan. It means that within a few months of Partition, Pakistan’s population grew by 1.8 million that is about 6.36 per cent.

The second wave of migration came as a result of 1970-71 crisis of former East Pakistan. This migration was relatively smaller but those who came to Pakistan, mostly settled in Karachi. Today Pakistan’s population has come to over 200 million.

The third wave came with the invasion of Afghanistan by the erstwhile Soviet Union, which resulted in the migration of 3.7 million Afghan refugees to the territories of Pakistan. While the migrants of 1947 mainly settled in urban Sindh and the urban and rural areas of Punjab, Afghan refugees took shelter in Khyber Pakhtunkhwa and Balochistan, drastically altering the socio-cultural and even economic profile of these provinces. Though not so massive to be called a wave, there has been a migration of Bengalis and Burmese in the 1970s and 1980s, and even after. These migrants have settled mostly in the slums and low-income areas of Karachi.

The demographic profile of Pakistan has another dimension that deals with internal migration. Caused by socioeconomic factors, the internal migration, too, had far-reaching social and cultural implications. In the early 1960s, as a result of introduction of mechanization in the agrarian economy, a big volume of people got uprooted from the rural areas and migrated to the urban centres. Since then, internal migration has been a regular feature of Pakistan. The major pressure of this migration has been taken by the province of Sindh.

As a result of external and internal migration and due to other socio-economic factors, urbanisation has emerged as a major aspect of Pakistani society. In the course of decades, due to both push and pull factors, the villages have turned into small towns, small towns into bigger ones, big towns into cities, and cities into mega-cities.

The attractions in the cities have been in the form of job expectations and prospects of better education, health, recreation and social life compared with rural areas, yet the influx of migrants to urban areas put excessive pressure on the urban infrastructure, which is persistently suffering due to mal-governance, lack of resources and absence of political commitment at the level of successive governments.

The perpetual shortage and need for expansion in urban housing, sanitation, schools, health-care, safe drinking water, roads, transport, and, above all, jobs, present a worrisome picture. The urban unemployment, now at 8.8 per cent, is much higher than



Demographic, economic, and social transformation, which has not been handled in an adept manner by the political institutions, has given way to civil unrest and political instability in the country. One indicator of our inadequate performance is the overall low ranking of Pakistan in human development and gender indices on a consistent basis.

rural unemployment at 5.1pc. The industrial growth has not been adequate, urban planning has been either absent or faulty, and urban centres were not prepared to respond favourably to the need of the hour, that is to settle the migrants, who started living in slum areas thus causing a big issue of human settlement and urban governance.

Resultantly, in Karachi particularly, the ethnic diversity cultivated ethnicity-based politics, which suited certain politicians, who constructed ethnic discourses employing the real or imaginary deprivation of their ethnic groups. The cities have developed ethnic pockets, ethnic parties and class-based residential patterns, which reinforce the class- and ethnic-based confrontation.

At the other end, rural areas have not been developed as much to keep their aspiring people within their fold, so today a large number of Pakistanis live in cities for earning, and they come to their villages or small towns periodically, since their families live back home.

Karachi, to some extent, is an exception to this pattern. Due to its long distance from the regions from which people come here, and also because the city has had large unpopulated and uninhabited areas in its periphery, migrants to Karachi settle here for longer duration, and contribute to the urban social and political processes in a mixed pattern, depicting shades of their ethnic affiliation as well as urban socialisation, simultaneously.

Another indicator of social transformation has been the weakening of traditional institutions of control, which used to operate in the form of jirga, panchayat, clan or caste/kinship networks. Religious and sectarian networks have also helped and patronised people in many ways.

Landownership has traditionally remained a source of pride and power, but in a fast urbanising society this standard is also facing diminution.

Traditional occupational structure of rural society has almost broken down, and the service-providers have either abolished ancestral occupations or shifted to urban style of new occupations using similar or new skills. This process has emancipated them from the submissive and lower-caste status of the traditional rural society. Their children have now risen up the social hierarchy after getting education and modern skills, which put them in powerful status as well in public institutions where the children of old powerful landed sections are under their influence and control. Economic independence and dignity of labour is, therefore, enhanced.

Earlier, the traditional social hierarchy felt a blow due to Partition-related shuffling, and now economic modernisation has

altered it altogether. Cash economy and contract relations have promoted freedom of mobility, thought, association and life-choice. New power-brokers have emerged from such newly-created professional and economic sections.

Another shattering effect has been felt by the patriarchy, though it is very strong even today. It is now being challenged and its atrocities cannot be hidden in most cases. The obvious higher degree of women’s emancipation observed nowadays is a composite result of modernisation, urbanisation, migration, education, media, mobility, public-sector reforms and legislations as well as civil society organisations. Its significant impact has been on fertility behaviour, family size, visibility of women in public spaces, and their enhanced economic and political participation. Their being more assertive, self-controlling and cultivating the same qualities in the new generations is an undeniable fact of today’s Pakistan society.

Demographically a very potent factor is today’s bulging youth population, which is in real sense a great gift with immense potential to be trained and engaged in country’s development. In the coming decades this bulge will shrink, but what is imperative today is to realise that this youth, both in rural and urban setups, is highly assertive, non-traditional, adventurous, keen to experiment with life, and exposed to multiple opportunities at home and abroad.

The planners have to be wary of the fact that unsatisfied youth can be problematic and destructive, too. Political unrest, crimes and terrorism will soar, and psychological health of the society can be affected to a large extent if valuable youth are not acknowledged in a genuine manner. Today, more than 60 per cent population is under 30 years of age. This volume of youth means exemplary potential but also extraordinary challenges.

Technically, the factors which have been impacting the social system and social order quite strongly include transport, electronic media and new means of communication. The pace, strength and implications of such factors for change have not been understood properly. Access to jobs, healthcare, education, skills, market, modern products, and urban facilities have become possible due to new means of transportation thus a huge multi-dimensional process has engulfed the urban periphery and especially the rural areas which could hardly afford reading morning newspapers before noon few decades ago.

Now the whole country is turned into one market. Now, quick flow of food, technology, industrial products, and inevitably the ‘culture’ across the country, is possible within 48 hours. An



GENDER PARITY: The higher degree of women empowerment is a composite result of a variety of elements. Their being more assertive, self-controlling and cultivating the same qualities in the new generations is an undeniable fact of today’s Pakistan. (photo: Dawn/White Star Archives)

Over the years, education has expanded but not to the point it should have. The literacy rate is still miserably low. Compared to 1947, the number of educational institutions has multiplied, but the standard of education is quite poor.



CAUSE AND EFFECT: What started as a result of our involvement in Afghan war has brought us to a point where we are ourselves victims of terrorism and have to conduct military operations to counter the mischief that has torn our social fabric and has permeated all walks of life. (photo: Dawn/White Star Archives)

enormous and unfathomable effect of electronic media and information technology needs to be highlighted today, which seems ‘magical’, if one compares society today with that of seven decades ago. Now Pakistan has more mobile connections than the number of people. The present volume of digital transaction was unthinkable even in 1970s. The technical capacity of human resources have multiplied manifold due to enormous size of connectivity. Pakistanis, now in a global village are well connected to each and every ‘lane’ of it. The outmigration has sent millions of Pakistanis to these ‘lanes’ and the virtual connections are alive, responding to the people’s needs at both ends of communication.

Demographic, economic, and social transformation, which has not been handled in adept manner by the political institutions, has given way to civil unrest and political instability. One indicator of its inadequate performance is the overall low ranking of Pakistan in human development and gender indices.

Poverty, deprivation, unemployment, denial of human rights ... and reinforcement of outdated, medieval ideologies of oppression and exploitation is going on side by side information highways, economic corridors, IT parks, laptop scheme for bright students, and women’s one-third presence in the national legislature.

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still miserably low at less than 60 per cent. As compared to 1947, the number of educational institutions has multiplied, but the standard of education is quite poor. Except for a few elite institutions or their chains, the rest of the educational institutions are simply providing degrees which generally do not accompany knowledge and skills.

The educational system is seriously marred with multiple distortions as well. The elite institutions, the mushroomed English medium schools, Urdu medium public-sector schools, primary to university level institutions run by three branches of military, and the seminaries together present a picture of disjointed and hierarchically assembled ‘nation’. The

failure in the area of education is in fact the failure of the state whose priorities have put education at the lowest ebb.

But the failure of the state is not confined to education alone. In fact, most of the wrongs found in the society have something to do with the policies, or absence of the policies of the state. For instance, in the last more than three-and-a-half decades, Pakistani society has been overly weaponised. It is quite understandable why instead of a culture of dialogue, recourse to violent means has become the only guarantee to accrue one’s objectives and to let one’s adversary down.

What started as a result of our involvement in Afghan Jihad has brought us to this point that now it

has been found necessary to conduct a campaign of Raddul Fasad (rejection of mischief). This mischief has by now torn our social fabric and has permeated all walks of life in the form of religious frenzy and violent extremism. The state that encouraged and used religious outfits for its foreign policy objectives is facing immense difficulties in subduing the same outfits, many of whom have become autonomous and are challenging the writ of the state itself.

If, despite all failures and shortcomings of the state, one finds hopeful signs in the ever-growing society, it is more because of the people of the country. The people have demonstrated extraordinary capacity of defying all odds, finding out their ways, and exercising

their initiative. They reconstruct their houses and businesses demolished by horrendous earthquake, within years. They refurbish their residences and markets after fleeing them due to devastating floods. They can begin their economic life from the scratch and from a slum. The ordinary people of the country have demonstrated an extraordinary urge and instinct of survival.

It is for the state to come to match the aspirations of the society and to connect itself to the burgeoning society if it wants to be any relevant, lest the state-society dichotomy ends up in a chaos. ■

(The author is Adjunct Professor at Pakistan Study Centre, University of Karachi.)

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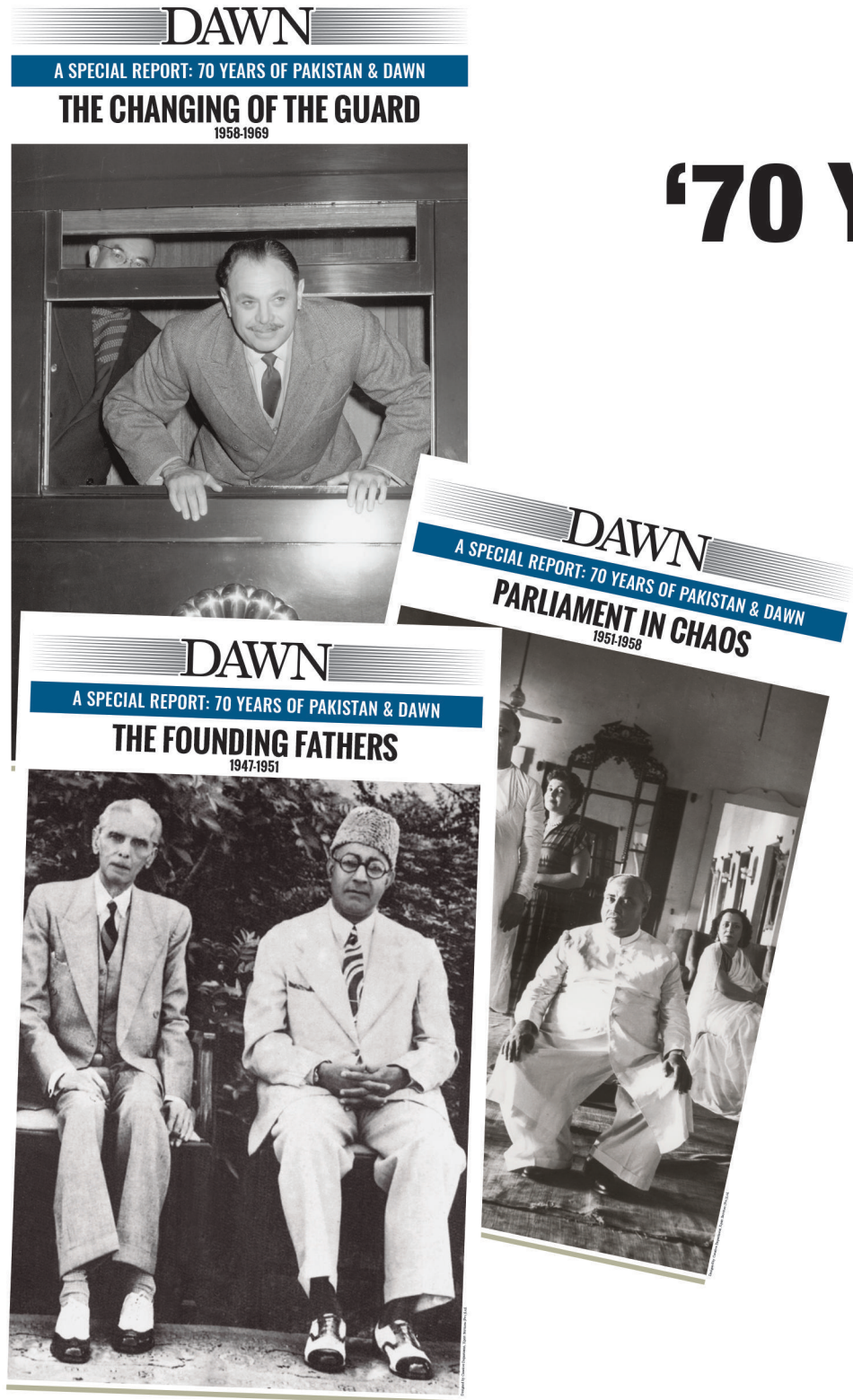
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THE LONG MARCH



CLOCKWISE FROM LEFT

The Quaid-i-Azam, Mohammad Ali Jinnah, and Miss Fatima Jinnah arrive in Lahore on March 22, 1940, to attend the historic three-day Annual Session of the Muslim League. During this session the Lahore Resolution is passed, establishing the foundation for an independent Muslim state to be carved out from an undivided India. (photo: Department of Electronic and Media Publication)

The Quaid-i-Azam, Mohammad Ali Jinnah, and Nawabzada Liaquat Ali Khan ride in triumph during a Muslim League procession outside the Jamia Masjid in Delhi on April 24, 1943. Mr Jinnah is adamant that Pakistan will be a reality come what may and in spite of the opposition of the Congress and the British Government. (photo: Dawn/White Star Archives)

(L-R): Nawabzada Liaquat Ali Khan, the Quaid-i-Azam, Mohammad Ali Jinnah, Nawab Ismail Khan and Haji Abdullah Haroon are in conversation during a break at a Muslim League meeting in April 1942. After the Lahore Resolution is passed on March 22, 1940, the Muslim League braces itself for the final phase of the struggle that will lead to the formation of Pakistan. (photo: Dawn/White Star Archives)

The Khan of Kalat (centre) entertains a distinguished British official (right) and his daughter (left) in the grounds of Kalat Palace in the 1930s. The British official has come with a response with respect to the renewal of the leases for Chaghi, Bolan, Kachhi and Quetta City in British Balochistan. Mr Jinnah (left), recently returned from a



self-imposed exile in London, is acting as the Khan of Kalat's legal advisor. Subsequently, as a political leader, Mr Jinnah will continue to raise matters that affect Balochistan in the Central Legislative Assembly. The British born Douglas Fell (extreme right), is the last Prime Minister of Kalat state; he will later negotiate the accession of Kalat with the Government of Pakistan. (photo: Dawn/White Star Archives)

The Quaid-i-Azam, Mohammad Ali Jinnah, arrives in Karachi on August 7, 1947 from Delhi. He is welcomed by a sea of supporters raising slogans of "Pakistan Zindabad!" Mr Jinnah has left behind his life in Delhi to assume the leadership of the newly formed state of Pakistan as its first

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Governor-General. Reaching Governor House, he remarks to his ADC: "I never expected to see Pakistan in my lifetime. We have to be very grateful to God for what we have achieved." He will live in Pakistan for a mere 13 months before passing away on September 11, 1948. *(photo: Dawn/White Star Archives)*

The Quaid-i-Azam, Mohammad Ali Jinnah, stands between Lord Louis Mountbatten, the last Viceroy of India, and the Vicerine, Lady Edwina Mountbatten, on April 5, 1947 in Delhi. According to prominent historians, both Lord Mountbatten and Lady Edwina were well-disposed to Jawaharlal Nehru and the Congress. This led to several controversial decisions

made by the British Government, particularly with respect to last-minute modifications to the Radcliffe Line, which came into being on August 17, 1947. In the years that followed, the Radcliffe Line would be the cause of intense acrimony and several million deaths. *(photo: Dawn/White Star Archives)*

The Quaid-i-Azam, Mohammad Ali Jinnah, addresses over 300,000 people in Dhaka, on March 21, 1948. This is Mr Jinnah's first recorded trip to East Pakistan as Governor General of Pakistan. In his address to the "second capital of Pakistan", he emphasises unity between East and West Pakistan, stating that Urdu will be Pakistan's national language. *(photo: Dawn/White Star Archives)*



The Quaid-i-Azam, Mohammad Ali Jinnah, and Nawabzada Liaquat Ali Khan smile as they are photographed with journalists at a press conference in July, 1946, in Delhi. Mr Jinnah announces the Muslim League's rejection of both the options that were presented in the Cabinet Mission Plan. Mr Jinnah reiterates the demand for a sovereign Pakistan to be based on undivided Punjab and Bengal and calls for a country-wide Direct Action Day to be observed on August 16, 1946, to, in his immortal words, "achieve Pakistan." On the fateful Direct Action Day, riots break out in and across Calcutta. They last for three days. An estimated 3,000 people end up losing their lives and 17,000 are injured. *(photo: Dawn/White Star Archives)*

From the Doctrine of Necessity to the necessity of institutional reforms and from placatory verdicts to judicial activism, the dispensation of justice in the country has seen as many ups and downs as has the nation.

THE JUDICIARY: EYE OF THE STORM

By Dr. Moonis Ahmar

"I shall always be guided by the principles of justice and fair play without any, as is put in the political language, prejudice or ill-will, in other words, partiality or favouritism. My guiding principle will be justice and complete impartiality, and I am sure that with your support and cooperation, I can look forward to Pakistan becoming one of the greatest nations of the world." — Quaid-e-Azam Mohammad Ali Jinnah

THE historic Pakistan Movement and the struggle for an independent Muslim state in the Indian subcontinent were led by political leaders and lawyers. Jinnah, himself an accomplished lawyer, knew the importance and significance of independent judiciary, accountability, effective justice system and the rule of rule. For him the vision of Pakistan would remain elusive without a sound and efficient judicial system, accountability and adherence to the norms of transparency in the mode of governance.

Seven decades after the creation of Pakistan, it is time to analyse with critical thinking the state of Judiciary in Pakistan with particular reference to superior courts blamed for giving legitimacy to periodic military rule under the Doctrine of Necessity; failing to ensure the rule of law; and eradicating corruption and nepotism.

Why has the Judiciary failed to protect democracy, legitimacy of civilian rule and the abrogation or suspension of constitutions? How far the lawyer's movement of 2007-09 led to the accomplishment of an independent judiciary? Why is the Judiciary unable to ensure the rule of law, accountability and good governance? How can Judiciary control the misuse of authority and power by those who are at the helm of affairs? What are the impediments in the way of an independent, efficient and honest Judiciary? And, how such obstacles could be removed? These are the questions raised from time to time in the context of the role of Judiciary in Pakistan.

Hamid Khan, a senior Supreme Court advocate, in his book, *A History of Judiciary in Pakistan*, presents a comprehensive account of the state of Judiciary since its inception and has examined some of the questions cited above.

Like Legislature and Executive, the Judiciary is also an important pillar of state because no country can ensure good governance and the rule of law unless its courts are functional; operate without fear, coercion, and are above corruption and nepotism ... where judges give verdict in line with the principles of justice and fairness, and not on the basis of likes and dislikes. It is true that no state can have a perfect Judiciary and there are fault lines in a country's judicial system, but if the Judiciary fails, the result is in the form of a failing or a failed state. Hence, no nation can progress and develop unless its justice system functions properly.

The history of our Judiciary is a reflection of the country's feudal, tribal and authoritarian political culture and mindset which led to the permeation of corruption, nepotism and inefficiency in the rank and file of judges at different levels.

The formative phase of Pakistan witnessed two major failures. First, it took nine years to promulgate a Constitution, and, second, the Judiciary failed to protect that Constitution when it was abrogated with the imposition of Martial Law in October 1958. Even before the nascent democracy was wrapped up by the bureaucracy and the military, Judiciary played no leadership role in preventing undemocratic forces from usurping power. The Supreme Court cannot write the Constitution, but has the legal right to interpret it in case of violations. But the Supreme Court not only validated the overthrow of constitutional governments, but also developed a nexus with the civil and military bureaucracy in weakening the democratic institutions.

Stephen P. Cohen, A noted American expert on Pakistan, in his book *The Idea of Pakistan* gives a



vivid account of the state of Judiciary by arguing that, "judicial power began to erode in 1955 when he then governor-general, civil servant Ghulam Mohammad dissolved the Constituent Assembly and dismissed the government of Mohammad Ali Bogra. The courts then declared that which otherwise is not lawful, necessity makes it lawful. This became known as 'the Doctrine of Necessity and subsequent courts have retroactively cited it to justify coups against civilian governments by generals Ayub Khan, Zia, and Musharraf'".

The verdict given by then Chief Justice of Federal Court of Pakistan, Justice Muhammad Munir, became a precedent and a basis to validate military takeovers in 1958, 1969, 1977 and 1999. Particularly, after Ayub's martial law, Justice Munir had validated the military takeovers of Iskander Mirza and Ayub, observing that "a successful coup d'etat is an internally-recognised legal method of changing a constitution."

Subsequent decades further established the undemocratic nexus, thus depriving Pakistan of functional and viable democratic institutions and a vibrant political culture.

Having said that, Judiciary has not always pro-military and supportive of undemocratic acts. At least on three occasions, it gave verdicts which were against military intervention in politics or the undemocratic acts of presidents. It is another matter that except one, such decisions were not implemented but were called as a precedent to prevent future extra-constitutional steps. First was the verdict given in 1972 by the Supreme Court which termed the regime of Yahya Khan "a usurper" and "illegal". But the verdict came when the regime had been replaced.

Second, on May 29, 1988, the then prime minister Mohammad Khan Junejo was dismissed by Gen Ziaul Haq. The Supreme Court gave the verdict that the dismissal was illegal. But that decision was announced after the death of Zia.

Third, in May, 1993, the Supreme Court restored the government of prime minister Nawaz Sharif that had been dismissed by president Ghulam Ishaq Khan.

When president General Pervez Musharraf imposed emergency and suspended Constitution on November 3, 2007, following confrontation with the then chief justice, Iftikhar Chaudhry, his act was termed illegal and unconstitutional by a Supreme Court bench, but the

regime suspended Chaudhry and appointed Justice Abdul Hameed Dogar in his place.

The decisions of Supreme Court about the imposition of Martial Law in 1958, 1969, 1977 and the military coup of 1999 validated such acts, but when it came to the dismissal of governments of Benazir Bhutto twice and Nawaz Sharif under article 58 2(B), it gave contrasting verdicts. While the court upheld the dismissal of Benazir's governments in 1990 and 1996, it restored the government of Sharif in May 1993. Therefore, the people of Sindh have taken a longstanding position that in most cases, the Judiciary has been biased and unfair in its verdict starting from the judicial hanging of Bhutto in April, 1979, and the dismissal of Junejo and Benazir governments in 1985, 1990 and 1996.

Seventy years of Judiciary is, however, not merely a story of Supreme Court's decisions in favour of military takeovers, but in the recent past one can observe two major developments having impact on the state of Judiciary in the country.

First, the historic lawyers' movement which was launched following the suspension of chief justice Chaudhry in March, 2007. As rightly mentioned in notes entitled *The Pakistan's Lawyers' Movement And The Popular Currency of Judicial Power* published in May 2010 issue of *Harvard Law Review*, "After 24 months of struggle, the lawyers' movement ended with an improbable victory. The success of movement offered a stern warning to those who would challenge the independence of Pakistan Judiciary."

However, even though Chaudhry was reinstated in March, 2009, the dream of independent judiciary remained elusive.

Second, the assertion of Judiciary following the lawyers' movement also led to the erosion of historic nexus with military. As stated by Aqil Shah in his book, *The Army and Democracy: Military Politics in Pakistan*, "the judiciary's relationship with the military is not clear-cut. Although, it has aligned itself with the military on national security, the judges have also questioned the military's human rights violations. The Chaudhry court's aggressive pursuit of the so-called missing persons was one of the reasons that Musharraf tried to sack him in 2007."

But the assertion of Judiciary vis-à-vis the pillars of national security is also limited as it knows that it should not cross the 'red lines'. Therefore, the case of missing persons or other cases of the abduction and torture of journalists allegedly by intelligence agencies backed by the military failed to reach their logical conclusion.

On December 16, 2016, on the occasion of Full Court reference held in honour of chief justice Anwar Zaheer Jamali, the Chief Justice-designate Mian Saqib Nisar assured that, "it is our promise on account of our sacred oath that the Constitution will be protected in letter and spirit. Besides cleaning our own house of corruption, the

No country can ensure good governance and the rule of law unless its courts are functional, operate without fear, and are above corruption and nepotism. It is also true that no State can have a perfect Judiciary and there are fault lines in every judicial system. However, if the Judiciary fails, the result is in the form of a failing or a failed state. Hence, no nation can progress and develop unless its justice system functions properly.



LEAVING A MARK: While Justice Muhammad Munir (left) is credited with having set the ball rolling for military interventions, Justice Iftikhar Chaudhry (right) rode his luck on the back of a massive lawyers' movement (top) to lock horns first with a military dictator and then his civilian replacements. Justice for the poor, however, has remained an elusive dream. (photo: Dawn/White Star Archives)

Judiciary will play its role in eradication of the menace from other limbs of the government."

Emphasizing on the independence of Judiciary and its commitment to democracy, he said: "One of the most important components of a democracy is independence of Judiciary. This is necessary for upholding the separation of powers, rule of law and human rights. It is important that the judiciary of a country is impartial and free from all sorts of external pressures and influence, only then can the public have confidence that their cases will be decided in accordance with the law. Judges of the superior courts are independent in taking decisions, and if any judge violates law and Constitution, the chief justice is authorised under Article 209 of the Constitution to take action against the judges".

The first test case of the independence of Judiciary when Justice Saqib Nisar took oath of office was the case of Panama papers in which the sitting prime minister and his

children were implicated. The verdict given by the five-member Supreme Court bench after the submission of JIT report disqualified a sitting prime minister. Such a landmark verdict is a clear indication of superior judiciary adhering to the need and demand of accountability of people at the helm of affairs provided across-the-board accountability gets an institutional shape.

While the lawyers' movement and the judicial activism of Chaudhry did underline the independence of Judiciary, but people to a large extent remained deprived of an efficient and affordable justice system. When justice at the grassroots level remains an elusive dream and thousands of cases remain pending in sessions and high courts, one feels perturbed about the failure of judges to deliver justice to ordinary people and, hence, people lose their confidence in the judicial system.

The impediments in the way of an efficient justice system are numer-

ous. They include lack of integrity, lack of professionalism and interference from the pillars of state in the smooth functioning of courts. It is true that the entire Judiciary is not in a mess but it is also true that reforms are needed to improve the institution's performance in terms of providing affordable, fair and efficient justice.

The present and future of Pakistan can be secured if there is good governance, rule of law and accountability which can primarily be achieved by having an independent and efficient Judiciary with integrity and competence. If people have trust in their courts, Pakistan can certainly become a role model for other states in terms of good governance, rule of law, good quality of life, and better economic and educational standards. The task is difficult but not impossible. ■

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The present and future of Pakistan can be secured if there is good governance, rule of law and accountability which can primarily be achieved by having an independent and efficient Judiciary with integrity and competence.

To expect Pakistan to have good governance as it is perceived in the developed world is asking for too much. This, however, cannot be an excuse of poor governance since the founding fathers left the scene.

THE GOVERNMENT: JINNAH VERSUS THE REST

By Liaquat H. Merchant

To understand why during the last 70 years there has been poor governance, one must go back to the pre- and post-partition era to review what we inherited and consequences of the short time at our disposal to establish a skeleton government without any back-up of the kind India had in the shape of an established system, bureaucracy, police, local administration and abundance of funds which the British left behind. This statement is by no means an attempt to condone the poor governance and chaos which followed between 1948 and 1957.

The decision by the British government to accelerate its exit from India resulted in a shock. The plan was announced on June 3, 1947, and that left only 73 days for the Congress and the Muslim League to set up their respective governments-in-waiting.

The lineup with which the Congress had to take over the reins of the government in India, comprised experienced political leaders, while Pakistan had Muhammad Ali Jinnah, Liaquat Ali Khan and a few others. It was obvious that the Indians, having worked with the British, had the resources, while Pakistan was starting with no existing setup. Governance was an issue in 1947 and continued to be an issue thereafter as Jinnah passed away in 1948 and Jawaharlal Nehru ruled as the Indian prime minister until 1962.

In 1938, Jinnah declared: “The Muslim League has freed the Muslims from the clutches of the British government, but there is another power which claims to be the successor of the British government ... call it by whatever name you like, but it is Hindus and Hindu government who are not prepared to share power with the Muslims in India.”

Presiding on the historic occasion of the Lahore session of the Muslim League on March 23, 1940, Jinnah declared:

“Mussalmans are a nation according to any definition of a nation, and they must have their homelands, their territory and their state. We wish to live in peace and harmony with our neighbours as a free and independent people. We wish our people to develop to the fullest our spiritual, cultural, economic, social and political life in a way that we think best and in consonance with our own ideals and according to the genius of our people.”

Declaring the Muslims to be a nation galvanised and motivated the Muslims of India to the focal point which was the demand for a separate nation where the Muslims of India could achieve political and economic independence and freely practice their religious faith and beliefs and above all to come out of the domination and serfdom of the English and Hindus.

The response to Jinnah’s call was overwhelming, but as Pakistan moved forwards towards August, 1947, the shock of being given only 73 days to set up a skeleton government-in-waiting and take on the burden of administering a nation was unimaginable.

India, in comparison, was in a more comfortable position because the British Indian civil service was in a position to provide governance as power was concentrated in major cities like Bombay, Delhi, Calcutta, Madras and a few others, whereas Karachi, Lahore and Rawalpindi did not have a similar advantage and, therefore, Jinnah and the Muslim League had to commence their uphill task from the scratch.

To make matters worse, difficulties were created in the division of assets, money was scarce and it was a new start for the Pakistan civil service to begin and plan administration and governance. This daunting task was taken on by Jinnah and Liaquat.

Governance has always been an issue for Pakistan since its birth and while I was making endeavours to commence writing this piece, I came across an introduction to the book *Jinnah Reinterpreted* by Saad R. Khairi who analysed Jinnah in the most glorious terms and dealt with the issue of governance. Khairi states:

“Jinnah was one of the greatest national leaders that ever lived. He created history, and, one is tempted to say, altered geography. But neither the dimensions of that victory nor the extent of his greatness are generally realized. One reason for this ignorance is the mess that the corrupt and the self-seeking leaders of Pakistan made of the country he fathered. This raised doubts about the soundness of his political vision and the secession of East Pakistan not only confirmed this image of Pakistan in their mind, but also that of a medieval and reactionary State of robber barons, military juntas and religious fanatics.



DICTATORIAL DISPENSATION: From Governor General Ghulam Mohammad (seen above chatting with Mohtarma Fatima Jinnah) to Field Marshal Ayub Khan (top right, in discussion with Zulfikar Ali Bhutto) and down to General Ziaul Haq (bottom right, addressing the nation), dictators came in many shapes to deshape the pattern of governance. (photo: Dawn/White Star Archives)

“The tragedy of Pakistan is that while surviving all those problems of Himalayan dimensions that Bharat and Britain had created for it from its very birth, it was then hijacked by a gang which neither represented the people nor shared the spirit of the Pakistan Movement. Ghulam Mohammad, Iskandar Mirza, Choudhri Muhammad Ali and Ayub Khan (or Ghulam Ishaq Khan for that matter), who would have normally retired as government pensioners of the British, captured power and ruled the country the way the British did (with lower standards of efficiency and integrity). They had never fought even a single municipal election and lived in their own world, totally cut off from the common man. They neither understood nor cared for popular sentiments. They had no idea of, and had no sympathy with, the factor that had made the Pakistan demand a mass movement. And they mentioned Jinnah’s name merely as a cover for their destructive policies, to trample under foot every principle he held so dear”.

Professor Akbar Ahmad in his article published in the first Edition of *The Jinnah Anthology* states:

“Jinnah’s ideas about Pakistan remained vague. This resulted in both strength and weakness to the Pakistan Movement. It became all things to all men, drawing in a variety of people for different reasons. During (the) last few years of his life, Jinnah began to sharpen his concept of Pakistan. His speeches emphasised the unequivocal Islamic nature of Pakistan, drawing its inspiration from the Quran and the Holy Prophet (PBUH). His vision of an Islamic society was one which would be equitable, compassionate and tolerant and from which the poison of corruption, nepotism, mismanagement, and inefficiency would be eradicated and Pakistan would be based on the high principles of Islam. He preached tolerance to and protection of minorities.

He opposed Provincialism. He reminded his audiences that Pakistan was the largest Muslim nation in the world and it had a special destiny. Even today, the idea of Pakistan is greater than the reality of the country.”

The Quaid-e-Azam passed away in 1948, just one year after the birth of Pakistan, without leaving a Constitution and his model of Pakistan. He left behind his speeches and interviews, his ideas, principles and vision which we still endeavour to propagate and practice but without success. He was a parliamentarian and a constitutionalist, and confusion arose which led to a split between conservatives, Islamists and modernists, but there was no one to mediate and reconcile between different views and aspirations.

The sudden shift between Jinnah’s speeches of August 11 and August 14, 1947, created some degree of confusion and the new government and bureaucracy reportedly made endeavours to suppress, monitor and even change the former of the two speeches.

Jinnah led all his life in British India and only 13 months in Pakistan, and even during this period Jinnah made every endeavour to outline the duties of a government, freedom of its citizens, duty of the state, safeguarding of

the rights of minorities and women, spelt out relations with India, categorically stated that the Constitution of Pakistan would be of a democratic type embodying the essential principles of Islam.

He emphasised that Islam and its idealism had taught us democracy, equality of man, justice, tolerance and fair play and these glorious traditions which we had inherited would be recognised as responsibilities and obligations to the framers of the future Constitution.

In any case, Jinnah stated that Pakistan was not going to be a theocratic state. All Pakistanis would enjoy the same rights and privileges and play their rightful part in the affairs of Pakistan.

He warned us against the dangers of extremism and provincialism and even in his frail health undertook visits to Quetta and Peshawar where he lectured the armed forces of Pakistan on the issue of their duties and loyalties to the state, and

obedience to a government established by law. He spoke of corruption and black marketing as a cancer which must be eradicated. Nepotism was unacceptable in a government and society.

Jinnah declared that Pakistan was a moral and intellectual achievement created by moral and intellectual forces and with the power of the pen which could never be undone, and finally he declared that he had no doubt in his mind that it was in the paramount interest that Pakistan and India should continue to play their part in international affairs and developments and should collaborate in a friendly way to defend their frontiers, resolve their differences and put their respective houses in order internally so that both countries may play a great part in all international affairs. He concluded by saying that the Indian government should shed its superiority complex and deal with

Jinnah passed away soon after independence and his chosen lieutenant was assassinated in 1951. If Jinnah had ensured the framing of the Constitution during his lifetime, the history of the country would have been different. Jinnah left us with his vision, but it was trampled upon by those who followed him. No wonder the struggle for Jinnah’s Pakistan 70 years later is still on.



PALACE INTRIGUES: Some of the key characters who dominated the political landscape in the 1990s: Ghulam Ishaq Khan talking to General Asif Nawaz Janjua as Mian Nawaz Sharif looked on (top), and Benazir Bhutto with Farooq Leghari while the two were still on talking terms (bottom). (photo: Dawn/White Star Archives)



Pakistan on an equal footing by appreciating the realities.

What transpired after Jinnah’s demise is on record and all that followed are factors which can be treated as those which affected the system of governance. Abul Kalam Azad, the veteran Congress leader, had advised Jinnah to accept the Cabinet Mission Plan as by doing so he could have had Pakistan without the burdens of Pakistan, while Seervai, the famous advocate-general of Bombay, has referred to Raj Mohan Gandhi as stating that Jinnah had Liaquat at his side, but sadly Liaquat did not have another Liaquat to support him. Lack of leadership of the highest integrity and moral character of Jinnah’s type could not be easily found in political leaders.

The merry-go-round of governments after the demise of Liaquat up to the takeover by Iskandar Mirza in 1957–58 are recorded events. The so-called decade of development from 1958 to 1968 did bring in some stability and progress, but Ayub Khan gave way to Yahya Khan who held control in Pakistan until the unfortunate events in East Pakistan which led to the country’s breakup.

Zulfikar Ali Bhutto was handed over the reins of power in West Pakistan as his party, the PPP, had won the elections. Bhutto delivered the 1973 Constitution with the consensus of all four provinces, and ushered in an elected civilian government, but went on to introduce revolutionary socialistic changes in Pakistan, including nationalisation of Banking, Oil, Steel, Shipping and other industries.

Bhutto was overthrown in a military coup by Zia who introduced Islamisation. Zia died in a plane crash and then followed the two governments each led by Benazir Bhutto and Nawaz Sharif until their tenures were abruptly ended.

Pervez Musharraf entered via a quiet military coup. He had influenced Pakistan initially as head of the ISI, COAS, Chief Executive and President of Pakistan. His influence and governance was the longest by an un-elected leader. He was sent packing by the movement launched by the lawyers for the restoration of chief justice Iftikhar Chaudhry and the Superior Judiciary which had been sacked by Musharraf.

Elections were held and the PPP, headed by Asif Ali Zardari as president and Yousuf Raza Gillani as the prime minister, came to power and ruled until PML-N won the elections and the its government continues in power. The tenure, however, has seen unrest and disruption in the process on account of allegations of corruption, sit-ins, strikes, protests and serious efforts to dislodge the prime minister.

Just like Bhutto had created political awareness among the labourers and workers, Imran Khan has created awareness among the middle class of what he believed to be nepotism and corruption in the course of governance.

In conditions and circumstances briefly enumerated above which existed from 1951 onwards in Pakistan, governance was bound to suffer and did suffer, but the country as a whole has remained intact and has in fact made progress in various fields in spite of the adverse effects

of terrorism to which Pakistan was subjected since the invasion of Afghanistan by Russia and later the resistance put up by Pakistan and Mujahideen against the Russian occupation. This was followed by the United States landing troops to overthrow the Taliban and this war continues even today.

For anyone to expect Pakistan to have good governance as is generally understood in the West and developed countries seems like asking for too much, but this cannot be a reason for, or excuse of, poor governance.

There is no doubt that Pakistan needs to strictly establish and follow policies, principles, rules through members of the government so that the administrative machinery is run smoothly to address public affairs. The institutions of the state should work for public good.

The culture of good governance has been lacking in Pakistan which is a general view among the people of the country, but with the Pakistan starting with major disadvantages in 1947 and a chequered history of continuous upheavals and crisis, a better environment of governance could not be developed. However, this does not mean that elected governments with sufficiently long tenures can be forgiven for the existing sad state of affairs.

Jinnah passed away approximately one year after Pakistan achieved independence. His chosen lieutenant was assassinated in 1951 and there were no other credible political leaders of Jinnah’s calibre in Pakistan. During his one-year stint as governor-general, Jinnah remained quite ill, but did dash out to Quetta and Peshawar to lecture to military officers on the chain of command and loyalty to the state and Constitution.

Civil servants were told of their duty to serve the people as their servants and not as masters. Corruption and black marketing were evils which had to be put down. The civilian government was advised on its duties and obligations, but circumstances unfortunately did not permit Jinnah to dedicate himself to the most important task of framing the Constitution although he did refer to the Constituent Assembly as the sovereign Federal Legislature.

While India framed its Constitution in 1950, Pakistan took until 1956 and then came in the period of military rules and abrogation or suspension of Constitution under the ‘Doctrine of Necessity’. I have always maintained that if Jinnah had ensured the framing of the Constitution during his lifetime, the history of this country would have been different.

Jinnah left us with his principles, ideals and vision, but all that was trampled upon with the result that we still aspire and struggle for Jinnah’s Pakistan 70 years later. ■

(The writer is the grandnephew of Quaid-i-Azam Mohammad Ali Jinnah, President of The Jinnah Society, Founder and Chairman of The Jinnah Foundation, Executive Trustee of Quaid-i-Azam Aligarh Education (Scholarship) Trust, Administrator of the Estate of Quaid-i-Azam and former Deputy Attorney-General of Pakistan).

The responsibility about the extent to which the Constitution determines how the State has been shaped by civil, political, elected elements and how much by unelected, military, dictatorial decisions comes out just about even!

THE STATE: 70 YEARS YOUNG

By Javed Jabbar

SOCIETY and state shape each other. Society invents the state, infuses it with part of its energy, ideas and ideals, virtues and vices. The state then assumes a growing autonomy akin to how a child develops into a young adult. It accepts the inheritance but at the same time exhibits individualistic features. Simultaneously, as a living entity, society also churns and changes. The state reciprocates: it transfers back to society more intense forms of the acquired DNA.

In some respects, the state becomes a Frankenstein created by society. But Frankenstein often goes beyond society's capacity to control it. Both society and state, with their concurrent or consecutively contrasting attributes tend to become like Dr Jekyll and Mr Hyde. The two are entrapped in the duality of human nature. The evolution of the Pakistani state in the first 70 years (an adolescent age in the timeframe of historical states) reflects this congenital inter-face – as the next 70 years portend new challenges.

The recent unanimous verdict of the five-member Supreme Court bench disqualifying an elected prime minister is an indicator of the dense, tense inter-play between, and within, each of the three State pillars. One view predictably but without persuasive evidence apprehends increased military influence on the political process. Another view celebrates the audacious boldness of the Court. Yet another questions the very soundness of the decision. Dynastic continuity with sheep-like democratic endorsement shuffles family members to occupy new vacancies as it also taunts disruptive judgments. The 2018 polls may well perpetuate the non-representative dimension of elected legislatures by rendering results that mock accountability due to the absurdities of the first-past-the-post electoral system. The next 70 years are already confronting us as we survey the past 70.

TERRITORIAL EVOLUTION AND REGRESSION: Territory is a fundamental criterion to assess state evolution. As of August 14-15, 1947, the Pakistani state's territorial composition was incomplete, vague and unpredictable. The Radcliffe Award with precise definitions of the partitioned Punjab came two days after Independence. It inexplicably allotted the Muslim-majority district of Gurdaspur to India. This directly helped India to conduct its invasion and occupation of the Kashmir Valley because Gurdaspur afforded the only viable land route into the Princely state. Agreed to in advance by all parties as a *fait accompli* which could not be challenged, this Award became like a dark cloud that continues to rain blood on Kashmir even 70 years after its enforcement.

In the substantial, non-partitioned part of the Western wing, there were also initial unknowns about territory. Of about 560 Princely states pre-1947, only 10 acceded to Pakistan. The rest, due to inescapable territorial imperatives as well as by free will, but also by the naked use of force, were absorbed or swallowed by the Indian state (as later, were Sikkim, Goa, Pondicherry).

In Pakistan, the respective decisions to merge with the new state were staggered over several years. In some cases, as in Kalat, there were intense internal disagreements on whether to opt for independence or for accession to Pakistan. Eventual proclamations for accession in 1947-50 had to be followed up with actual actions for integration which took more time. Thus, the map of the new state as of August 14-15, 1947, changed in phases, and in shades, as the rulers of Amb, Chitral, Hunza, Swat, Kalat, (and Kharan, Mekran, Lasbela), Khairpur and Bahawalpur affixed their signatures.

But even after all provinces and Princely states in the Western wing were integrated into a single administrative structure called One Unit in 1955, the growth of territory continued! The coastal area of Gwadar under the control of the Sultanate of Oman was recovered by Pakistan in January 1958: to ultimately become a point of geostrategic importance in the 21st century.

Yet, where it took about 11 years post-1947 for the Western wing to be territorially completed, it took only another 13 years for Pakistan to become the first state in the world to disintegrate after World War II. The loss of less than half of total territory was well less than half the total, traumatic tragedy.

Even after making allowance for the pivotal role of India in fomenting conditions that eventually led to the break-up of the state, December 16, 1971, marked a catastrophic failure of the Pakistani state itself to maintain territorial stability. But, unlike our larger neighbour, we have not become an expansionist or hegemonic state.

PEOPLE OF THE STATE: The second fundamental criterion relevant to a survey of state evolution is the state's citizens. Simultaneous to the loss of its entire Eastern territory, the majority of the state's population which happened to be resident in East Pakistan also rejected any further association – even with the name of the original state. They preferred to become citizens of a new, independent state called Bangladesh. In one of several ironies about being the only state in the world created with two wings separated by 1000 miles of hostile territory, it was the minority of the original population resident in the Western wing which fortunately retained and nurtured the beautiful name of Pakistan.

The post-1971 state continues to comprise the multiple nations, sub-nations, communities and regions that had earlier become, overnight, part of the Pakistani state in August 1947. Each province contains diversity in ethnicity and language as the people continue to evolve the ethos of a composite national identity which can be called 'Pakistaniat'.

As if to make up for the loss in 1971 of the majority of its population, the residual part set a merry pace of multiplication. At about 200 million people in 2017, subject to confirmation by the results of the delayed census held earlier this year, the Pakistani state is already the sixth largest in the world, having grown six-fold since Independence. So rapid was this population growth that Bangladesh today has a smaller number of people.

CONSTITUTIONS FORMED AND DE-FORMED: A third criterion is to note how state and Constitution have developed. There is an obligation to stress the unique conditions of the state's creation and the unrivalled difficulties faced in the first few years. These partially explain – and justify – the delay in adopting the first but short-lived Constitution of 1956.

In this sphere, political leadership as well as civil bureaucracy began with authoritarianism through arbitrary dismissals and dissolution of legislatures. A lethal error, with far-reaching consequences, was committed in 1954 when a civil, political cabinet headed by prime minister Mohammad Ali Bogra with former bureaucrat governor-general Ghulam Muhammad at the helm invited a serving commander-in-chief of Pakistan Army, General Ayub Khan, to become defence minister in the cabinet. The military has never looked back since that signal of weakness by the political leadership.



Even after making allowance for the pivotal role of India in fomenting conditions that eventually led to the break-up, December 16, 1971, marks a catastrophic failure of the State to maintain territorial stability. But, unlike the neighbour, we have not become an expansionist or hegemonic State.



STATE REDEFINED: After Lt-Gen Amir Abdullah Khan Niazi signed the surrender in Dhaka (top), Zulfikar Ali Bhutto (above) led the rebuilding process. (photo: Dawn/White Star Archives)

The constitutional dimension of the state has been shaped both by civil despotism as also by military dictatorship, by the undefined term of Islamic ideology and undue prominence to narrow religious provisions; this, despite the people overwhelmingly rejecting religious political parties in nine general elections between 1970 and 2013. The failure to develop strong, stable, internally democratic political parties, and the virtual capture of major state institutions by elite or populist forces even during democratic phases have contributed to inconsistencies and contradictions.

Civil, political facets of the state have in only brief phases asserted dominant control of the military facets. These occurred in the initial period of 1947-53, then in 1972-77. In the 1988-99 decade and in the 2008-17 phase, there has been, in de facto terms, an acknowledged, co-equivalent status side by side of the political and the military dimensions.

This acknowledgement is tacit and covert but also visible and obvious, as in the practice of protocol and order of precedence. In the four explicit military interventions, the military has acquired the quasi-mantle of the state. Given the hostility of India and Afghanistan to our very existence from the start, Pakistan had no choice but to give primacy to being a security state.

Of all state institutions, the defence sector remains the least transparent from the budgetary perspective. Even after allowance is made to restrict access to data dealing with sensitive matters. such as purchase of weapons, new technology and deployment requirements etc., neither is the Defence Ministry's general budgetary allocation debated in detail in parliament nor are the military (and civil) intelligence agencies subject to parliamentary oversight by the elected representatives of the people.

On the civil, non-Defence side, a Supreme Court decision of 2014 abolished the use of secret funds by all ministries. But the non-transparent preferences of the state survive. The unavoidable but largely unamended (since British rule) Official Secrets Act has not been balanced by greater transparency in the rationale by which state documents are classified.

While the bureaucratisation of the state is better dealt with separately, it is relevant to note that, in theory and practice, merit has been the guiding criterion for all those selected to serve the state – except where, in some aspects of the civil sphere, quotas for regions and provinces apply. The armed forces are entirely merit-based with a notable process of internal, meticulous review of all those aspiring for promotion. The military's cohesion, discipline and reliability as a state institution are especially evident in the speed and efficacy with which emergencies and disasters are addressed.

Post-Independence, the state developed in an imitative, largely unoriginal direction. This was unlike the unique nature of the state's genesis which should have inspired radical innovation. When there were deviations from the Westminster parliamentary model, the introductions were either misused – as in the Basic Democracy system of Ayub Khan in the 1960s to become an electoral college for his extended Presidency – or religion was used to mask personal ambition as when Ziaul Haq arbitrarily established the Federal Shariat Court and amended other laws that pandered to extremism. Earlier and later, constitutional provisions even by elected political elements, with only a few exceptions, fostered majoritarianism and dominance, rather than consensus on fundamentals.

Some constitutional amendments and laws by military diktat were also extremely progressive – as in vastly increased representation of women in all elected legislatures; private, independent electronic media; and introduction of a truly empowered Local Government system (now reversed). Thus, the responsibility about the extent to which the constitution determines how the state has been shaped by civil, political, elected elements and how much by unelected, military, dictatorial decisions comes out just about even!

The state's structural passage since 1971 has been ambivalent. On the one hand, in order to ensure cohesion and stability against external threats, a strong, central authority was imposed in the first two decades, but with only mixed success. On the other, in the two most recent decades, the constituent units of the federative

state have begun to assert their individual rights and powers. This assertion has partially eroded the original strong centre.

Yet, by being unwilling to create smaller provinces, be it for greater administrative efficiency or on ethnic or linguistic lines, the Pakistani state remains the world's most asymmetrical federation with only four provinces. In contrast, India began with 14 provinces in 1947 whereas today the number has more than doubled to 29.

One vital measure of state development has to be the extent to which structures have facilitated generation of income and wealth, and their equitable distribution. Despite the emergence in the last couple of decades of a very large, multi-tiered middle class, particularly in small, medium and large urban centres, the state has been unable to correct severe imbalances between rich and poor; between the elite and the proletariat. Disparity in the Pakistani state is part of the global phenomenon of enduring, if not growing, inequality. As of 2016, reliable estimates calculate that one per cent of the world's population owns 90 per cent of the world's wealth.

THE STATE AND THE WORLD: For the past two-and-a-half decades, the name of the state on the level of mass global perception has come to be unjustly and inaccurately associated with extremism, violence, terrorism and primeval social customs. While such grave blemishes do exist in some aspects, excessive focus on them alone diverts attention from at least four outstanding and distinguished features of the Pakistani state on the world stage.

Producing a large number of well-educated, sophisticated and able diplomats, Pakistan has rendered a prominent, constructive role in multi-lateral diplomacy. The state helped to establish high standards of professionalism in the building of new global frameworks and institutions at the United Nations and allied organisations. Numerous overseas diplomats and observers acknowledge this remarkable feature.

Concomitant with this aspect has been the introduction of pragmatic proposals and creative concepts for the formulation of complex new international, regional and bilateral treaties, agreements and conventions. Covering subjects as varied as disarmament and children's rights, nuclear-free zones and human resource development, conflict resolution and healthcare, Pakistan has helped make global discourse and consensus robust and purposeful.

A third feature is the state's consistent participation in UN Peacekeeping forces deployed around the world. Either as the single largest contributor of troops and officers, military and police, averaging about 10,000 to 12,000 personnel, or together with Bangladesh and India, the state has remained one of the three most prominent contingents to impartially and efficiently enforce order and stability in some of the most turbulent areas of conflict.

The fourth feature, though country-specific, demonstrates at the state level the phenomenal compassion and hospitality of the people. By hosting as many as 2.5-3 million Afghan refugees for over 35 years, the state has outshone virtually all other states in its willingness to provide succour and shelter to neighbours when many of its own people are themselves in desperate need.

Apart from locating some in designated camps, and unlike most other countries that have accepted refugees, Pakistan has allowed many Afghan persons to purchase property, conduct trade, and obtain documents to facilitate their virtually permanent status in the country.

Simultaneously, for its landlocked neighbour, Pakistan remains the major route for transit trade and pays a heavy price for tons of goods – and narcotics – being smuggled into the country from Afghanistan, damaging both society and state.

PILLARS AND PERSONS: The word 'state' is singular, cold and impersonal. But its manifestations are multiple and its representatives are living, breathing human beings. Each of the three state pillars – Executive, Legislative and Judiciary – has three tiers: Federal, Provincial and Local. The civil Executive has dozens and hundreds of ministries, departments, organizations. The military part of the Executive has three services: Army, Air Force and Navy in myriad formations.

Citizens interact mostly with the civil state at numerous levels millions of times every day. At post offices, passport offices, police stations, union councils, district courts ... with clerks, traffic cops, officials, elected representatives, doctors and teachers. They interact less often with soldiers. Each of them represents a part of the state. It is the quality of the interactions with them that determines the quality of the state's standards of performance.

For a state often referred to as 'failing' or 'ailing' – or 'tailing' far behind others – the Pakistani state in its initial seven decades is an exceptional, surprising mix of elements. Democracy and disruption, fusion and disintegration, civil law and martial law, renewal and regression, orthodoxy and modernism, efficiency and incompetence, respectful of citizens as well as insensitive to them.

There have been contrasting capacities as well. One of only eight states to be a nuclear weapon power, it is ranked 146 out of 168 countries on the Human Development Index. The first-ever completion of the term of office of an elected government with peaceful transition to the next elected government came in 2008-13 period. But then there have been a bitter, polarised political process amid civil-military mysteries.

CONCLUSION: Considering their tumultuous past, the three state pillars today in 2017 are alive, well and steadfast. The Judiciary is making up for its past weaknesses. The Legislature, though still hostage to majorities and plagued by low attendance of the prime minister and chief ministers, is increasingly assertive. The civil segment of the Executive is effective only in parts while in others, major reforms are awaited, and the writ of the state is often invisible. Rulers can frequently bypass the rule-of-law – though the Panama papers may yet become a turning point.

The military segment of the Executive has accepted political, democratic continuity. But it does not yield dominance in certain policy areas. Other parts of the state that comprise society itself – civil society organisations, media, private sector, citizens at large – are vocal and vivacious, but also reluctant to conduct self-critical appraisal and their own reform.

The next 70 years will bring intense new pressures of demography, technology, ideology, climate change, employment, and economy as well as those of internal and external security. Hopefully, society and state will move closer towards harmony and creative coexistence. ■

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